

Message History (3)

 On 5/7/2019 10:10:21 AM, Melissa Barrett wrote to [REDACTED] :

From: Melissa Barrett (BarrettM1@michigan.gov)
To: [REDACTED]
Message Id: 5/35
Message Status: Opened
□ □

Subject: MDHHS FOIA Request :: H001133-050719

Body:

RE: Public Records Request, Reference # H001133-050719.

Dear ,

This notice is issued in response to your request, legally received by the Michigan Department of Health and Human Services (Department) on May 08, 2019, requesting information under the Freedom of Information Act (FOIA), MCL 15.231 et seq.

Your request is denied.

MCL 333.2835(8) states "[e]xcept as otherwise provided in subsection (10), the department or an employee of the department shall not disclose to a person or entity outside the department the reports or the contents of the reports required by this section in a manner or fashion so as to permit the person or entity to whom the report is disclosed to identify in any way the individual who is the subject of the report, the identity of the physician who performed the abortion, or the name or address of a facility in which an abortion was performed." This makes these records exempt under MCL 15.243(1)(d) of the FOIA which exempts records or information specifically described and exempted from disclosure by statute.

Additionally, MCL 15.243(1)(l) of the FOIA prohibits the release of medical, counseling or psychological facts or evaluations concerning an individual if the individual's identity would be revealed by a disclosure of those facts or evaluation.

On another note, you failed to provide proper contact information as described in MCL 15.233 Sec. 3(1) when submitting a FOIA request. Please be aware of this for any future FOIA requests you submit to this office.

As to the denial, the Department is obligated to inform you that under MCL 15.240 §10 the following remedies are available:

1. Appeal this decision in writing to the Legal Affairs Administration of the Department of Health and Human Services, PO Box 30195, Lansing, MI 48909. The writing must specifically state the word "appeal" and must identify the reason or reasons you believe the denial should be reversed. The Department must respond to your appeal within ten days of receipt. Under unusual circumstances, the time for response to your appeal may be extended by ten business days.

2. File an action in the appropriate court within 180 days after the date of the final determination to deny the request. If you prevail in such an action, the court is to award reasonable attorney fees, costs, disbursements, and possible damages.

The Department's FOIA policies and procedures are available at [Policies and Procedures](#).

Sincerely,
Melissa Barrett
Bureau of Legal Affairs

On 5/7/2019 9:37:17 AM, System Generated Message to
[REDACTED]

From: System Generated Message
To: [REDACTED]
Message Status: Delivered
□□

Subject: Confirmation of FOIA Request:: H001133-050719

Body:



Dear ,

Thank you for your interest in public records of the Michigan Department of Health and Human Services (hereinafter "Department").

Records Requested: 5.7.19

Dear Dept. of Health,

Would you kindly send all the Abortion Reports submitted for the month of December 2018.

This is per the foia if need be.

Digital format is preferable.

Thank you very much.

Your request has been assigned the following tracking number: H001133-050719. Your request has a legally

received date of May 08, 2019. You will receive a response by the Department by May 15, 2019. Unfortunately, we are unable to expedite requests and the time permitted for response by the Department may be extended beyond May 15, 2019 by ten (10) business days.

In accordance with the Michigan Freedom of Information Act (FOIA), MCL 15.231 *et seq*, the Department provides copies of existing non-exempt records. Records which are exempt from disclosure under state or federal law will not be provided, or records may be redacted to separate exempt information. The FOIA does not require the Department to create new records or answer queries.

You can monitor the progress of your request at the link below and you will receive an email when your request has been completed.

Regards,

Bureau of Legal Affairs,

Michigan Department of Health and Human Services

[FOIA Request Center](#)

On 5/7/2019 9:32:45 AM, Melissa Barrett wrote:

Request was created by staff